

From: Leslie Sikora <lesliesikora@polktheatre.org>
Subject: **On Golden Pond**
Date: December 14, 2006 5:40:08 PM EST
To: Ron Gubin <gubin@avidtouring.com>

Hi Ron!

I am very concerned about something that I was not aware of until today following a call to our TD from Nate Fulmer who I believe is the TD for OGP. Apparently the show is a union show. We are not a union house nor can we afford to be. Yesterday I found out that this was an Equity show after I received a phone call from Doug Truelsen from Actors Equity asking if he could come over and inspect our dressing room and stage area. I decided that was okay because we would of course comply and it wouldn't really add any expense. To find out that the crew must be union though is devastating. We simply cannot afford a union crew.

I am not sure how to proceed at this point, but I would like to hear your input. In all the emails and discussions etc.... back and forth, never did I hear that this was a union show. It isn't even mentioned in the Deal Memo anywhere. There is one place where it states these words (as per applicable IATSW and AEA rules). Well, in this case applicable is the operative word. We have that in contracts all the time, but it is always non applicable.

Let me know how you think I should proceed. Never have I had to actually cancel a show before. This is not good. The only thing I have going for me is that I have not advertised because of the blocked restrictions due to the Tampa engagement.

Leslie

Leslie M. Sikora
Executive Director
127 South Florida Avenue
Lakeland, Florida 33801
863.682.7553

E

From: Leslie Sikora <lesliesikora@polktheatre.org>
Subject: **Re: On Golden Pond**
Date: December 19, 2006 11:13:58 AM EST
To: Ron Gubin <Gubin@AvidTouring.com>

Hi Ron!

I very much want to find a way to do this show. I have some options that may work. If you could let me put something together and get back to you in an hour or so maybe we can reach an agreement that will work for all of us.

Thank you for your patience.

Leslie

Leslie A. Sikora

Executive Director
127 South Florida Avenue
Lakeland, Florida 33801
863.682.7553

On Dec 18, 2006, at 12:35 PM, Ron Gubin wrote:

Dear Leslie,

As a follow up to the voice message I left at your office this morning, please call me today. The producer is anxious to know if you intend to present this engagement as per the terms of the deal memo and engagement agreement. As previously discussed, if you intend to cancel the engagement, the producer continues to expect payment of the entire guarantee, unless we can quickly reach an agreement on a lesser amount.

This is an urgent matter for the producer as he must make additional expenditures based upon your decision.

I look forward to speaking with you shortly.

Thank you.

Ron

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Leslie

Leslie M. Sikora

Executive Director
127 South Florida Avenue
Lakeland, Florida 33801
863.682.7553

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Ron Gubin
Avid Touring Group, Ltd.
234 West 44th Street - Suite 902
New York, NY 10036
212-840-4393 Ext. 103 - phone
212-840-4397 - fax
www.AvidTouring.com

From: Leslie Sikora <lesliesikora@polktheatre.org>
Subject: **For your consideration**
Date: December 19, 2006 3:31:47 PM EST
To: Ron Gubin <gubin@avidtouring.com>

Hi Ron!

This is what I am thinking. I feel sure you are aware that have no desire whatsoever to cancel this show. The fall-out from our season tickets holders alone would be daunting and could result in staff suicides!!!! That being said here are some options that may be considered if you would like to pass them on to the Producers.

First of all... is the union crew set in stone? In other words, in our complex we have a renter who is an event services company. For many years they have put together crew for some of the largest shows in the country. They have provided us with crew on occasion as well for shows such as *Fame*. A 40 crew call. Recently they provided crew for the following shows: The Rolling Stones, Neil Diamond, Eric Clapton and Barry Manilow. They are up to their eyeballs in putting crew together for the Super Bowl. They have agreed to staff our show if we need them. I understand that the producer is worried about having a quality crew available and this will ensure that they are very qualified and experienced with these types of shows.

According to the terms of Schedule A the crew, not knowing union was demanded, was listed at a cost of \$7,000. This would be more like \$18-20,000. Can those terms be adjusted if we have to go with a union crew? I am still not sure that would be worth it because that is only deducted from the Overage, but it is worth knowing if that would be considered.

My reluctance to cancel this show should be obvious and my desire to work something out even more evident. I have never canceled a show and I would like to keep that record. We can discuss other options if any are presented, but for now this is what I have come up with. Keep in mind that the financial implications of a crew costing us that much could be disastrous. We are not only a 501 (c) 3 non-profit organization, but a historic building to boot with all the headaches you can imagine come with a very old building. We operate usually on an annual break-even basis. Any considerations given or options offered are welcome at this point.

Many thanks,

Leslie

Leslie M. Sikora

Executive Director
127 South Florida Avenue
Lakeland, Florida 33801
863.682.7553

OGP
Lakeland

From: Ron Gubin <Gubin@AvidTouring.com>
Subject: **Re: On Golden Pond**
Date: December 18, 2006 12:35:50 PM EST
To: Leslie Sikora <lesliesikora@polktheatre.org>
Cc: L. Glenn Poppleton <Poppleton@AvidTouring.com>

Dear Leslie,

As a follow up to the voice message I left at your office this morning, please call me today. The producer is anxious to know if you intend to present this engagement as per the terms of the deal memo and engagement agreement. As previously discussed, if you intend to cancel the engagement, the producer continues to expect payment of the entire guarantee, unless we can quickly reach an agreement on a lesser amount.

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Leslie

Leslie M. Sikora

Executive Director

From: Leslie Sikora <lesliesikora@polktheatre.org>
Subject: **OGP**
Date: December 27, 2006 2:32:29 PM EST
To: Ron Gubin <gubin@avidtouring.com>

Hi Ron!

Just wondering if there is anyway we could get some kind of feedback from my last email before January 4?

Many thanks and hope you had a nice holiday-

Leslie

Leslie N. Sikora

Executive Director
127 South Florida Avenue
Lakeland, Florida 33801
863.682.7553

From: Leslie Sikora <lesliesikora@polktheatre.org>
Subject: **OGP**
Date: January 4, 2007 9:51:26 AM EST
To: Ron Gubin <gubin@avidtouring.com>

Hi Ron!

Anything yet? Just checking...

Leslie

PS Happy New Year!

Leslie M. Sikora

Executive Director
127 South Florida Avenue
Lakeland, Florida 33801
863.682.7553



Listed on the National Register of Historic Places

January 9, 2007

Ms. Jessica Frances, Operations Manager
AVID Touring Group
234 West 44th Street, Suite 902
New York, New York 10036

Dear Jessica:

Enclosed please find four (4) executed copies of the Agreement for *On Golden Pond* appearing at our Theatre February 28, 2007 for two shows. Alterations regarding the union section of the contract have been made following discussions between Ron Gubin and myself that non-union crew would be acceptable. Should you require any additional information regarding this adjustment or the Agreement in general please call me at (863) 682-7553.

We look forward to a great show(s) and working with AVID.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Leslie A. Sikora', with a long, sweeping horizontal line extending to the right.

Leslie A. Sikora
Executive Director

enclosure(s)

127 South Florida Avenue
Lakeland, Florida 33801
Phone 863-682-7553
Fax 863-682-8227



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Leslie Sikora

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Re: ON GOLDEN POND - Lakeland

From: Leslie Sikora <lesliesikora@polktheatre.org>
To: <Mrodes@core.com>
Date: Jan 12 2007 - 6:17pm

Melissa-

Do you all have any "movie" size artwork or posters available for OGP? We are a movie palace and we have poster frames we would love to put one or two in. Let me know. If not can we make them. If so, which picture(s) do we need to use?

Many thanks,

Leslie

Leslie A. Sikora
Executive Director
127 South Florida Avenue
Lakeland, Florida 33801
863.682.7553

On Jan 5, 2007, at 10:31 AM, Melissa A. Rodas wrote:

Leslie:

The link for the On Golden Pond Artwork for ads is below. The link also includes the publicity photos.

<http://files.spotnyc.com/files/OGP06-07/Tour.html>

Please call me if you need further clarification!

Melissa A. Rodas
ANITA DLONIAK & ASSOCIATES
(P)216.398.1931 (F)216.661.4645
HYPERLINK "<mailto:mrodes@core.com>"mrodes@core.com

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RE: Program - On Golden Pond

From: Melissa A. Rodes <mrodes@core.com>
To: Leslie Sikora <lesliesikora@polktheatre.org>
Date: Jan 12 2007 - 5:45pm

Thanks Leslie!

Yes, I will need to see the final layout prior to printing. The producers office always reviews and approves.

Many thanks!

Melissa A. Rodes
ANITA DLONIAK & ASSOCIATES
(P)216.398.1931 (F)216.681.4645
HYPERLINK "<mailto:mrodes@core.com>"mrodes@core.com

From: Leslie Sikora [<mailto:lesliesikora@polktheatre.org>]
Sent: Friday, January 12, 2007 1:48 PM
To: Mrodes@core.com
Subject: Re: Program - On Golden Pond

Melissa:

Our graphics person works in Creative Suite 2.3 Professional. If you can't get it to us for that program she can take a pdf. By Tuesday is great! We wanted them printed and at the Theatre by February 20. Do you want to see any proofs?

Many thanks

Leslie

Leslie A. Sikora
Executive Director
127 South Florida Avenue
Lakeland, Florida 33801
863.682.7553

On Jan 12, 2007, at 1:00 PM, Melissa A. Rodes wrote:

Leslie:

Please advise what format you will need the copy in. We normally send out in Quark 6.0 for a MAC.
Please advise if you will need something different. I can have this emailed to you by Tuesday.

Please advise on the print date as well.

Many thanks!

Melissa A. Rodes
ANITA DLONIAK & ASSOCIATES
(P)216.398.1931 (F)216.661.4645
HYPERLINK "mailto:mrodes@core.com"mrodes@core.com

From: Leslie Sikora [mailto:lesliesikora@polktheatre.org]
Sent: Friday, January 12, 2007 12:54 PM
To: HYPERLINK "mailto:Mrodes@core.com"Mrdes@core.com
Subject: Program - On Golden Pond

Hi Melissa!

Will you please forward the information for the programs for On Golden Pond - February 28th shows.

Many thanks,

Leslie

Leslie A. Sikora
Executive Director
127 South Florida Avenue
Lakeland, Florida 33801
863.662.7553

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Lakeland Program Copy

From: Leslie Sikora <lesliesikora@polktheatre.org>
Subject: **Re: On Golden Pond - Lakeland**
Date: January 19, 2007 4:11:23 PM EST
To: Jessica Francis <francis@avidtouring.com>

Jessica-

As far as I know they were mailed after Ron and I worked things out. I make folders for all our events and I have a copy of the contract in there. As far as I knew the rest had been FedExed. Let me do some searching and I'll get back to you this afternoon. Our part of the FedEx receipt is in my folder as well. I will do a search on that and see what happened. We have been doing some construction and phone updates in the office so lots of things are out of sorts, but I can't imagine would be the problem.

Sorry for the inconvenience- I'll let you know today.

Leslie

Leslie A. Sikora

Executive Director
127 South Florida Avenue
Lakeland, Florida 33801
863.682.7553

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From: Ron Gubin <Gubin@AvidTouring.com>
 Subject: **Fwd: Our position**
 Date: February 2, 2007 12:29:58 PM EST
 To: Jeffrey Finn <jfinn@jeffreyyfinnproductions.com>
 Cc: L. Glenn Poppleton <Poppleton@AvidTouring.com>

Begin forwarded message:

From: Leslie Sikora <lesliesikora@polktheatre.org>
Date: February 2, 2007 12:11:58 PM EST
To: Ron Gubin <gubin@avidtouring.com>
Subject: **Our position**

Dear Ron:

No show has confounded us as much as this show. I personally love the show and am certainly a huge fan of the stars. I can't imagine a show of this caliber playing at the Polk. The problem is I have also never had this much trouble working out the kinks for a show. We realized early on that this was a very professional outfit. We are used to booking Motown shows and smaller touring companies... Steven Wright kind of shows. I knew when I saw that there was a different contact person for every aspect of this show this was the big time, but now really worried because I know my staff, small as it might be would rise to the occasion. The definition of small being we have 3 full time employees and 5 very part time (weekend projectionist, House Manager who works a full time day job, etc...) and of course a smattering of volunteers. My inclination was from the moment my show canceled back when I contacted you, trying to find a great show to takes its place, it would definitely be our biggest show of the year.

Later upon finding our this was a union show we became very concerned, but we overcame that, but now my TD tells me yesterday that the things we are going to have to do to meet the requirements to have this show on our stage will cost a small fortune. A fortune we don't have. I have been concerned about the logistics from the beginning, but knowing Mary Duffy saw the tech specs back in August and never voiced any concerns beyond lighting adjustments we felt a little better. Then I hear at the eleventh hour that Nate is going to do a sight survey. I decided the unsent contracts would have to remain unsent. I wanted to hear what he had to say. He stayed for 5 1/2 hours with my TD and went over everything. He complained constantly that this show should not be playing in this theatre. He said it was going to be a match of who would want to cancel first you all or us. My TD said this is a nightmare and we shouldn't be doing the show, but was going to reserve his concerns until after Nate copied him on an email that he would be sending to the producers explaining his position on how this show should not be playing our venue. That email never came.

These last 5 days I have been moving from one house to another and have not been in the office. I pretty much only had the ability to focus on moving and the 5 huge shows we had scheduled over an 8 day period. A schedule we have never had before. Again, the staff challenges without me were incredible. I kept asking if we had heard from Nate and nothing. Finally the day before yesterday we get an email from Colleen explaining all the changes and requirements that we would have to meet in order to accommodate this production. She also explain that Nate was no longer with the show. Your email said the sight survey was a success. When I showed that email to my TD he said it was completely to the contrary. Who am I supposed to believe? I saw her list. It is difficult and expensive. Adding all of the plywood it will take to raise the stage (built in footlights, which again, Mary D. knew

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about back in August), building a new ramp for access to the loading dock, pipe extensions, etc... None of which was mentioned before last Friday although you all had our spec sheet back in August. Why was this sight survey not done back in December when you had a show in Tampa? or better yet back in August when Mary Duffy was trying to make judgments on its feasibility in our theatre? It seems to me that Mary Duffy and Colleen Houlehen should pay any lost fees as it appears to be their negligence that has made this all happen.

What I would like to do is offer to pay for the stars and the production manager's rooms for the nights they would have been in Lakeland and for all their meals. I will also offer to pay any difference in air travel. I believe that would reroute them from Arizona to Alabama instead of Florida. I don't believe this is really an obligation of the theatre without being bound to a contract, but in good faith I like to extend this gesture.

I was under the impression that this show was part of routing, which I recently found was coming from out west and then going to Alabama. I guess you may consider Alabama routing. Anyway, that isn't important. What is important is where we go from here. You have mentioned a couple of times now the trouble that the producers have gone through for this date. I would appreciate a breakdown of expenses just so I am educated on what more there could be besides an extra night in a hotel, travel costs and meals. Yes, I realize that fees will not be made, but we also are severely effected financially.

I know you can understand other problems and troubles we have had with this show as well. Not being able to advertise until after Dec. 10 then having to hold off any advertising until after the new year because of the union situation. I can't believe the professionals on this show did not see from the beginning on spec sheets, etc... that we are not a union house. Again, not important at this point. Our advertising efforts have been sporadic at best, which I am sure you have noticed from the ticket sales reports. Dismal and now with only 3 weeks left to push the show.

The last point I wish to make is that I have complied with all advertising for the show using posters and having our print ads approved. Not mentioning the stars was an oversight by the person who is keeping up the calendar, which happens to be our TD. A job he does not enjoy nor is it mentioned in his job description, but by our maintaining it we save money. It is not to say we don't miss some things from time to time.

I hope you will give this email every consideration and appreciate all the challenges it will take to get this show (that is just way too big for us) in our theatre. I have heard from a couple of your people now the words "this show is too big for that theatre!" Perhaps we should have all listened to their opinions. Although, information that was a little much a little too late, but not outside the realm of reaching a decision that would work for everyone.

Again, I want you to be aware that we still maintain that we are not under contractual obligation for this show, but we are very aware that not having this show will cause some inconveniences to us all. We wish to help with those the production will incur in some way. I have gone into much more depth with this email that is necessary or that is ever done, but we are all effected and I want to find a good solution for all.

Many thanks,

Leslie

Leslie A. Sikora

Executive Director
127 South Florida Avenue
Lakeland, Florida 33801
863.682.7553

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Ron Gubin
Avid Touring Group, Ltd.
234 West 44th Street - Suite 902
New York, NY 10036
212-840-4393 Ext. 103 - phone
212-840-4397 - fax
www.AvidTouring.com
Gubin@AvidTouring.com

JFP

**JEFFREY FINN
PRODUCTIONS**

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Founded in 1992, Jeffrey Finn Productions is a live production company that specializes in First Class Broadway and touring theatricals, and uniquely customized Corporate Entertainment. By working exclusively with the top talent in the industry today, both divisions of Jeffrey Finn Productions are committed to delivering unparalleled entertainment to our audiences and clients.

Broadway
and Touring



Corporate
Entertainment



Please Select a Show

1501 Broadway • Suite 2003 • New York, NY 10036
Phone: (212) 575-9600 • Fax: (212) 575-2434 • E-mail: jfinn@jeffreyfinnproductions.com

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Designed by [Sean Patrick Henry](#)

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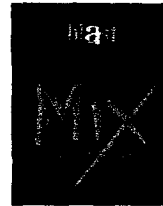


Welcome

Avid Touring Group Ltd is an independent theatrical booking company providing representation to the Broadway touring industry's finest musicals, plays and special attractions.

Current Attractions

CURTAINS Receives
Eight 2007 Tony
Award® Nominations
including Best Musical!



Avid Touring Group, Ltd. 234 West 44th Street, Suite 902 New York, NY 10036
Phone: 212.840.4393 Fax: 212.840.4397 Email: info@avidtouring.com
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Jessica Francis
Avid Touring Group, Ltd.
234 West 44th Street, Suite 902
New York, NY 10036
Ph: 212-840-4393 Ext. 102
Fax: 212-840-4397
www.AvidTouring.com

On Jan 22, 2007, at 3:48 PM, Leslie Sikora wrote:

Wow! We found them! It is such a long and ridiculous story. We have a Board of Trustees meeting this afternoon and were digging to find something for it in the room that is being worked on (I think I mentioned it in another email) and found them in a file. I will try to FedEx them today. If not definitely tomorrow. We are all bogged down for this meeting at 4pm.

So sorry, but happy at the outcome!

Thank you for your patience.

Leslie

Leslie A. Sikora

Executive Director

127 South Florida Avenue

Lakeland, Florida 33801

863.682.7553

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POLK THEATRE

PERFORMING ARTS SERIES

Performing Arts Series

This Year's Performing Arts Series season is a mixture of fabulous music and delightful theatrical performances!

Take a moment to reserve your seats then you can leave the entertaining to us!

Thank you for your patronage.



2006 - 2007 Performing Arts Series

Mark Russell - October 17 7:30pm

Late Night Catechism II - November 18 7:30pm & November 19 2

The Smothers Brothers - December 1 7:30pm

On Golden Pond - February 28 3:00pm & 8:00pm

Performing Arts Series Schedule

View the Performing Arts Schedule

Season Subscriptions

More information about Season Subscriptions is available here.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JFP TOURING, LLC,

Plaintiff,

-against -

POLK THEATRE, INC.,

Defendant.
-----X

**CERTIFICATION
OF SERVICE**

Index No. 601130/07

LESLIE H. BEN-ZVI, ESQ., an attorney duly licensed to practice before the Courts of the State of New York, upon the penalties of perjury, hereby affirms as follows:

On June 8, 2007, I served the within Affidavit plus Exhibits upon counsel for Defendant Polk Theatre, Inc. by emailing a true and accurate copy thereof and following up with a confirmation email addressed to William E. Grob, Esq., WGrob@FordHarrison.com / Ford & Harrison, LLP, 101 E. Kennedy Street, Suite 900, Tampa, FL 33602. I received confirmation emails for the above plus no objection from Mr. Grob.

Dated: New York, New York
June 8, 2007


-----X
LESLIE H. BEN-ZVI, ESQ.